

JUL 08 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10765,450	
	Filing Date	01/27/2004	
	First Named Inventor	WILLIAM A WILES	
	Art Unit	3765	
	Examiner Name		
Total Number of Pages In This Submission	23	Attorney Docket Number	WILES -004

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD: Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): POWER OF ATTORNEY NOTICE OF ABANDONMENT
Remarks RENEWED PETITION COVER LETTER RENEWED PETITION AND REQUEST FOR CONSIDERATION EXHIBIT A RENEWED PETITION AND REQUEST FOR RECONSIDERATION STATEMENT ATTACHMENT A		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	DONALD J LENKSZUS	
Signature	/Donald J Lenkszus/	
Printed name	DONALD J LENKSZUS	
Date	07/07/2005	Reg. No. 28,006

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	/Donald J Lenkszus/	
Typed or printed name	DONALD J LENKSZUS	Date 07/07/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount or time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

JUL 08 2005

*Attorney's Docket No: WILES-004*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: :  
WILLIAM A WILES :  
Filed: 01/27/2004 : Group: 3785  
Title: HELMET SWEAT BAND  
Serial No.: 10/765,450

Office of Petitions  
Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR 1.137(A)**

Responsive to the DECISION ON PETITION dated 06/30/2005, Applicant renews his petition for revival of the above-identified patent application as abandoned unavoidably under 37 CFR 1.137(a).

In accordance with the DECISION, Applicant files herewith a Request for Reconsideration.

Dated July 7, 2005

Respectfully submitted



Donald J Lenkszus, Reg No. 28,096  
Attorney for Applicant

**JUL 08 2005**

*Attorney's Docket No: WILES-004*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: :  
WILLIAM A WILES :  
Filed: 01/27/2004 : Group: 3785  
Title: HELMET SWEAT BAND  
Serial No.: 10/765,450

MS Missing Parts  
Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR 1.137(A) AND REQUEST FOR  
RECONSIDERATION**

Filed herewith is a statement in support of the renewed petition and request for reconsideration.

The Decision on Petition appears to either contain typographical errors at page 2 or is factually erroneous.

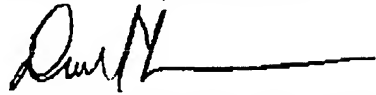
The Petition under 37 CFR 1.137(a) was accompanied by:

- (1) a Response to the Notice of Missing Parts including both payment of the required fees and the required Declaration. A true copy of the Response is attached as Exhibit A. See the Response to Missing Parts, Declaration, PTO/sb/17 and PTO-2038 which includes payment of all fees plus the petition fee.
- (2) The petition fee set forth in 37 CFR 1.17(l) was included in the payment ( See Exhibit A, PTO/SB/17, PTO-2038, and PTO/SB/61 all clearly indicating that the petition fee of \$250 was paid.
- (3) A showing that the entire delay was unavoidable. In response to the specific requirements set forth in the Decision on Petition, a Statement is submitted herewith that meets the specific requirements set forth therein.
- (4) No terminal disclaimer is required pursuant to 1.137(d).

Reconsideration and a grant of the petition are respectfully requested.

Dated: July 7, 2005

Respectfully submitted  
DONALD J. LENKSZUS, P.C.

A handwritten signature in black ink, appearing to read 'Don J. Lenkszus', followed by a horizontal line.

Donald J. Lenkszus, Reg. No. 28,096  
P.O. Box 3064  
Carefree, AZ 85377-3064  
Telephone: (602) 463-2010  
Facsimile: (480) 575-1321

**EXHIBIT A**

JUL 08 2005

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/765,450	
	Filing Date	01/27/2004	
	First Named Inventor	WILLIAM A WILES	
	Art Unit	3765	
	Examiner Name		
Total Number of Pages in This Submission	15	Attorney Docket Number	WILES -004

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): POWER OF ATTORNEY NOTICE OF ABANDONMENT
Remarks _____		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DONALD J LENKSZUS		
Signature	/Donald J. Lenkszus/		
Printed name	DONALD J LENKSZUS		
Date	03/31/2005	Reg. No.	28.006

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	/Donald J Lenkszus/		
Typed or printed name	DONALD J LENKSZUS	Date	3/31/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount or time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-0199 and select option 2.

PTO/SB/17 (12-04v2)

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b> Application Number 10/765,450 Filing Date 01/27/2004 First Named Inventor WILLIAM A WILES Examiner Name Art Unit 3765 Attorney Docket No. WILES-004	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 1515			

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):  
☐ Deposit Account Deposit Account Number: Deposit Account Name:  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	500
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**Fee Description

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
-----	-----

Multiple dependent claims

360	180
-----	-----

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
36	16	25	400

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
6	3	100	300

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
100	150			

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): PETITION \$250 + SURCHARGE \$65

\$315

**SUBMITTED BY**

Signature	/Donald J Lenkszus/	Registration No. (Attorney/Agent) 28.035	Telephone 602-463-2010
Name (Print/Type)	DONALD J LENKSZUS	Date 3/17/2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUL 08 2005

PTO/SB/61 (08-04)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		Docket Number (Optional) <b>WRES-004</b>
First Named Inventor: <b>William A Wiles</b>		Art Unit: <b>3765</b>
Application Number: <b>10/765,450</b>		Examiner:
Filed: <b>01/27/2004</b>		
Title: <b>Helmet Sweat Band</b>		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b> NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee <input checked="" type="checkbox"/> Small entity - fee \$ <u>250</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)).		
2. Reply and/or fee A The reply and/or fee to the above-noted Office action in the form of <u>Response to Notice of Missed Payment</u> (Identify the type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B The issue fee of \$ _____ <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith.		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2



PTO/SB/51 (09-04)

Approved for use through 07/31/2005. OMB 0651-0031

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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### PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/83).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Donald J. Lenkszus  
Signature

3/16/2005  
Date

Donald J. Lenkszus  
Typed or printed name

28,096

Registration Number, if applicable

PO Box 3064  
Address

602-463-2010

Telephone Number

Carefree, AZ 85377  
Address

Enclosure ☒ Fee Payment

- ☒ Reply RESPONSE TO NOTICE OF MISSING PART
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☒ POWER OF ATTORNEY

#### CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 572-9306.

3/31/05  
Date

Donald J. Lenkszus  
Signature  
Typed or printed name of person signing certificate

(Page 2 of 3)

PTO/SB/61 (09-04)

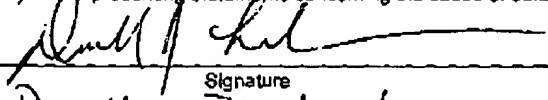
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

	<u>3/16/2005</u>
Signature	Date
<u>Donald J. Lenkszus</u>	<u>28096</u>
Typed or printed name	Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The filing receipt and Notice of Missing Parts were not received.

On December 1, 2004 a status request was faxed to the USPTO CIPR and neither a fax receipt nor a response was received. Prior to this a telephonic request for the status of the case was requested and no response was ever received.

Only after the Notice of Abandonment and responsive to a telephonic request was the filing receipt & Notice of Missing Parts received.

(Please attach additional sheets if additional space is needed.)

(Page 3 of 3)

**JUL 08 2005**

*Attorney's Docket No: WILES-004*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: :  
WILLIAM A WILES :  
Filed: 01/27/2004 : Group: 3785  
Title: HELMET SWEAT BAND  
Serial No.: 10/765,450

MS Missing Parts  
Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF MISSING PARTS**

**Dear Sir:**

Responsive to the NOTICE OF MISSING PARTS dated 06/15/2004 enclosed herewith are:

1. Declaration
2. Credit card payment of fees in amount of \$1515.00
3. Copy of Formalities Letter

The fees have been calculated based upon the Fees effective December 8, 2004. In the event that there is an overpayment, it is requested that the overpayment be refunded by check to the undersigned, or credit applied to the account on form 2038 enclosed herewith.

Respectfully submitted,  
DONALD J. LENKSZUS, P.C.

Dated: March 17, 2005

/Donald J Lenkszus/

Donald J. Lenkszus, Reg. No. 28,096  
P.O. Box 3064  
Carefree, AZ 85377-3064

Telephone: (602) 463-2010  
Facsimile: (480) 575-1321

Mar 16 05 11:40a  
03/15/2005 23:49DONALD LENKSZUS  
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THE WILES COMPANIESP. 2  
PAGE 02

PTO/SB/01 (06-09)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Economic Reduction Act of 1998, no person is required to respond to a collection of information unless it contains a valid OMB control number.

<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> (37 CFR 1.63)		Attorney Docket Number WILES-004
<input type="checkbox"/> Declaration Submitted With Initial Filing      OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)		First Named Inventor WILLIAM A WILES
		COMPLETE IF KNOWN
		Application Number 10/765,450
		Filing Date 01/27/2004
		Art Unit 3766
		Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HELMET SWEAT BAND**

(Title of the Invention)

the specification of which

☐ is attached hereto

**OR**

☒ was filed on (MM/DD/YYYY) 01/27/2004 as United States Application Number or PCT International Application Number 10/765,450 and was amended on (MM/DD/YYYY)  (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 35(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority		Certified Copy Attached?	
			Not Claimed		Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 113 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Mar 16 05 11:40a  
03/15/2005 23:48DONALD LENKSZUS  
6237689757480-575-1321  
THE WILES COMPANIESP. 3  
PAGE 03

PTO/BA/01 (08-02)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to: <input type="checkbox"/> Customer Number: <input type="text"/>				OR <input checked="" type="checkbox"/> Correspondence address below	
Name DONALD J LENKSZUS, PC					
Address PO BOX 2084					
City CAREFREE			State AZ		ZIP 86377-3084
Country USA		Telephone 602-453-2010		Fax 480-575-1321	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)) WILLIAM A.			Family Name or Surname WILES		
Inventor's Signature <i>William A Wiles</i>					Date 03/19/2005
Residence: City PHOENIX		State ARIZONA		Country USA	Citizenship USA
Mailing Address 2005 W RDSE GARDEN LANE, BLDG B					
City PHOENIX		State ARIZONA		ZIP 85027	Country USA
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Inventor's Signature					Date
Residence: City		State		Country	Citizenship
Mailing Address					
City		State		ZIP	Country
<input type="checkbox"/> Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					

(Page 2 of 2)

Mar 14 05 01:18p  
03/14/05 04:23

DONALD LENKSZUS

480-575-1321

P. 8

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Page 1 of 2



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. BOX 1475  
Alexandria, Virginia 22304-1475  
www.uspto.gov

APPLICATION NUMBER	FILING (OR 171 (c)) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/765,450	01/27/2004	William A. Wilcs	WILES-004

DONALD J. LENKSZUS  
PO BOX 3084  
CAREFREE, AZ 85377-3084

CONFIRMATION NO. 8592

FORMALITIES LETTER



\*OC000000012848352\*

Date Mailed: 08/15/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$85 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$273 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$723 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$273

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03/14/05 04:25

DONALD LENKSZUS

480-575-1321

P. 10  
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Page 2 of 2

- \$129 for 3 independent claims over 3.
- \$144 for 16 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

Mar 16 05 11:40a  
03/15/2005 23:48DONALD LENKSZUS  
6237809757480-575-1321  
THE WILES COMPANIESP. 8  
PAGE 06

PTO/SB/01 (09-03)  
Approved for use through 11/30/2005. OMD 0631-0033  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	Application Number	10/765,490
	Filing Date	01/27/2004
	First Named Inventor	WILLIAM A WILES
	Title	HELMET SWEAT BAND
	Art Unit	3765
	Examiner Name	
Attorney Docket Number	WILES-004	

I hereby appoint:

☐ Practitioners associated with the Customer Number: [ ]

OR

☒ Practitioner(s) named below:

Name	Registration Number
DONALD J LENKSZUS	28,096

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number: [ ]

OR

<input checked="" type="checkbox"/> Firm or Individual Name	DONALD J LENKSZUS		
Address	PO BOX 3064		
Address			
City	CAREFREE	State	AZ
Country	USA	Zip	85377
Telephone	602-483-2010	Fax	480-575-1321

I am the:

☒ Applicant/inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06)

SIGNATURE of Applicant or Assignee of Record

Name	WILLIAM A WILES	
Signature	<i>William A. Wiles</i>	
Date	03/10/2005	Telephone
		623-750-8074

NOTE: Signatures of all the inventors or assignee of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. EO NOT SEND PERS OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
201 DIXIE  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/765,450	01/27/2004	William A. Wiles	WILES-004

DONALD J. LENKSZUS  
PO BOX 3064  
CAREFREE, AZ 85377-3064

CONFIRMATION NO. 8592  
ABANDONMENT/TERMINATION  
LETTER

\*OC000000015431196\*

Date Mailed: 03/11/2005

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/15/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512), or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

**Any petition to withdraw the holding of abandonment should be directed to OIPE.**

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/81.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/84.

Page 2 of 2

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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*A copy of this notice MUST be returned with the reply.*

Z. Moquese  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

### Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 06/15/04

#### Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

#### Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 308-1282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center

Patent Examination Division (703) 308-1202

JUL 08 2005

*Attorney's Docket No: WILES-004*

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: :  
WILLIAM A WILES :  
Filed: 01/27/2004 : Group: 3785  
Title: HELMET SWEAT BAND  
Serial No.: 10/765,450

Office of Petitions  
Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

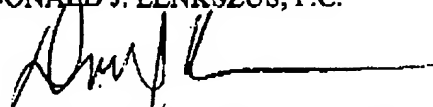
**RENEWED PETITION UNDER 37 CFR 1.137(A) and REQUEST FOR  
RECONSIDERATION OF DECISION  
STATEMENT IN SUPPORT OF PETITION**

Applicant hereby requests reconsideration of the Decision dismissing the Petition. In support of this request, the undersigned makes the following statement:

1. The official filing receipt and Notice of Missing Parts were not received by the undersigned until the undersigned contacted OIPE after receiving the Notice of Abandonment on or about March 16, 2005.
2. The undersigned attests that he has searched the file jacket of the application and the docket records. The search reveals that neither the Filing Receipt or the Notice of Missing Parts was received prior to March 16, 2005. The docket record where the non-received communication would have been entered had it been received and docketed is attached as Attachment A.
3. The undersigned is a sole practitioner and has no employees and therefore has first hand knowledge of all communications that would have been received. The undersigned maintains the electronic docket of such communications and has first hand knowledge of all docket entries.

Dated: July 7, 2005

Respectfully submitted,  
DONALD J. LENKSZUS, P.C.

  
Donald J. Lenkszus, Reg. No. 28,096  
P.O. Box 3064  
Carefree, AZ 85377-3064  
Telephone: (602) 463-2010  
Facsimile: (480) 575-1321

**ATTACHMENT A**

